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April 3, 2013

City of Newport Beach
Planning Commission
City Council Chambers
3300 Newport Boulevard
Newport Beach, CA 92663

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CITY OF NEWPORT BEACH

RE: April 3, 2013, Planning Commission Agenda Item #3 – 441 Old Newport Medical Office Building – (PA2011-056) Conditional Use Permit No. UP2011-011

Dear Commissioners:

We respectfully request the denial of the above referenced application for a conditional use permit. The staff report is making a favorable recommendation that the conditional use permit be approved based on temporary solutions to a permanent problem. We are requesting a denial based on the following facts:

1. Page 4 of the staff report discusses the Reciprocal Parking Easement Agreement with the property owner at 445 Old Newport Boulevard. On April 3, 2013 at 2:35pm we spoke with the bankruptcy attorney, Mr. Sheldon Herbert, who confirmed that the property is still in bankruptcy proceedings. While he does believe that the property will be awarded to the original owner the proceeding have not yet been finalized. Furthermore, the original owner, Sid Soffer, passed away in 2007. Therefore, the property would be subject to probate court if in fact it is awarded back to the original owner.
2. Neither the staff report nor the Reciprocal Parking Easement Agreement addresses the dilapidated condition of the "main" structure on the property. The restaurant that existed was closed several years ago and the building has fallen into complete disrepair (see attached photographs). There are feral cats and rodents on the property. The windows to both the restaurant and shed have been broken and were only recently boarded up. The only improvements discussed in the report relate to paving and grading as well as demolition of the storage shed. There is no discussion of main building and the potential safety hazards it poses due to the current condition of the structure.
3. The Reciprocal Parking Easement Agreement discusses the use of the property at 445 Old Newport as though it was a viable, functioning restaurant. In fact, no restaurant exists – just an old broken-down building that requires demolition. If Sid's family were able to take ownership of the property at 445 Old Newport and they were able to open a new restaurant, their hours of

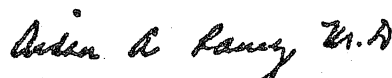
operation would need to be such that they do not interfere with the daytime parking requirements of the property at 441 Old Newport; meaning the restaurant could not open for business until after 6:00p.m. Is the City of Newport Beach going to monitor the parking situation when these hours of operation inevitably conflict?

4. In the staff report, Facts in Support of Finding, #2, one of the required conditions of approval relates to the applicant notifying the City if there are any changes to the off-site parking lot. If these changes occur after the property at 441 Old Newport has long-term lease agreements in place, how will the City enforce the reduction of medical office use in proportion to the lack of parking spaces?
5. If the property at 445 Old Newport is improved, where will all the additional cars park during the construction term?

As owners of the property at 447 Old Newport Boulevard, we are very concerned that our parking lot will be negatively impacted if this permit is approved. We are requesting that the applicant be held to the same requirements for parking as the other operating businesses in the area. Granting approval of the applicant's request for this conditional use permit would provide a temporary solution favoring the property at 441 Old Newport Boulevard while creating a permanent problem for the surrounding property owners that have complied with the parking requirements the City of Newport Beach. We urge you to reconsider the staff recommendation and require 441 Old Newport to remain commercial, not medical or find a parking solution that is permanent and without conditions.

Thank you for your time.

Sincerely,


Aidan A. Raney, M.D.


Ann G. Raney

MAIN RESTAURANT STRUCTURE

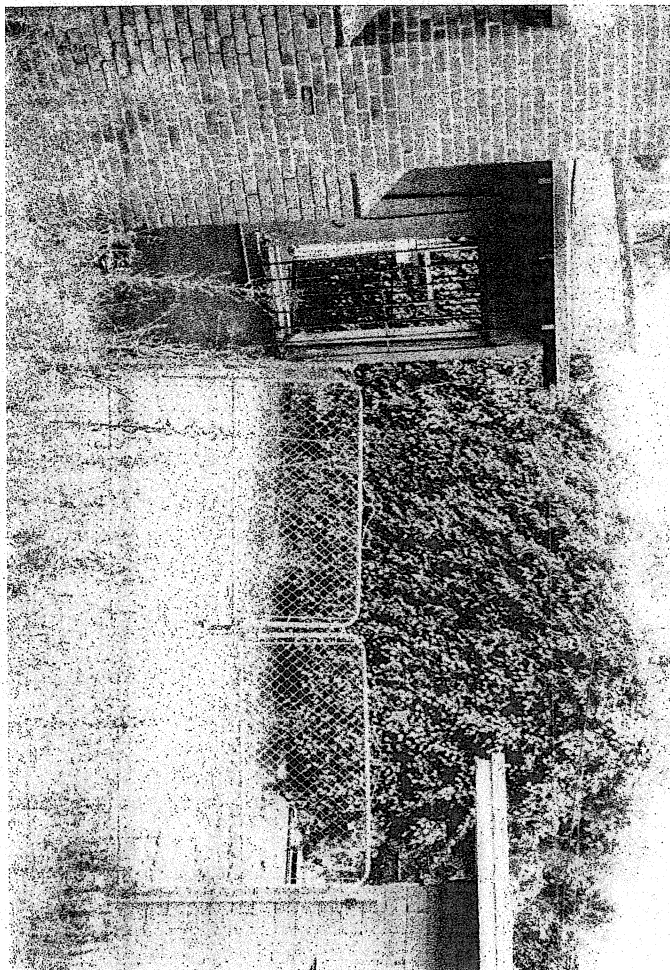
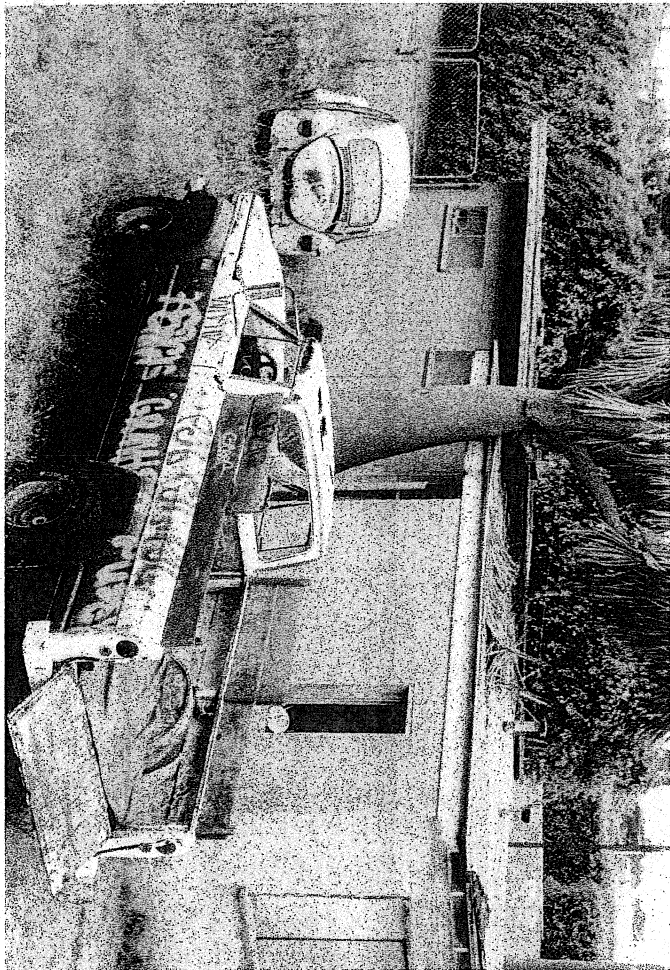
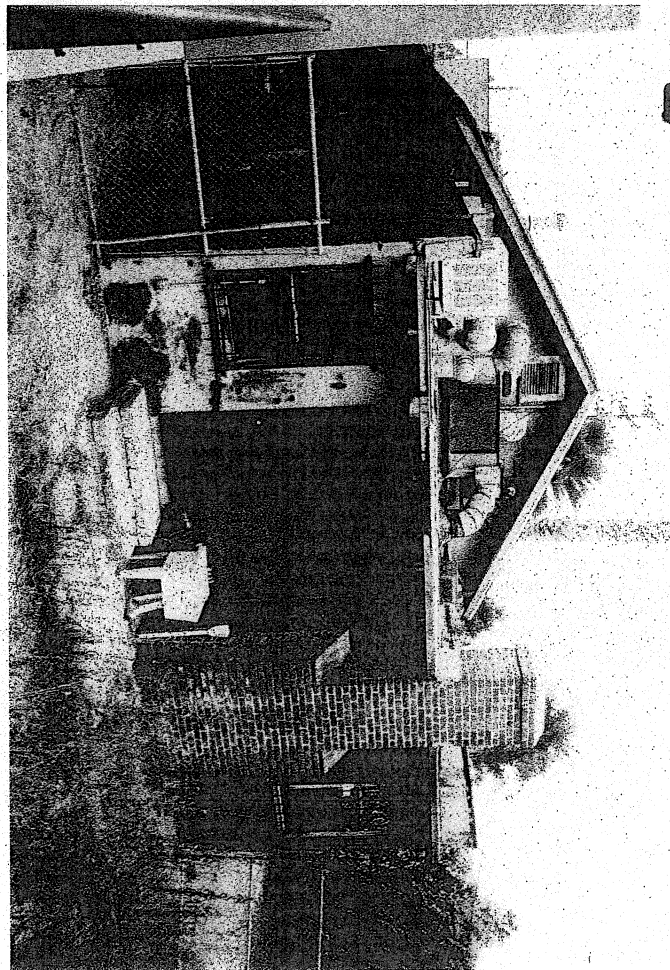
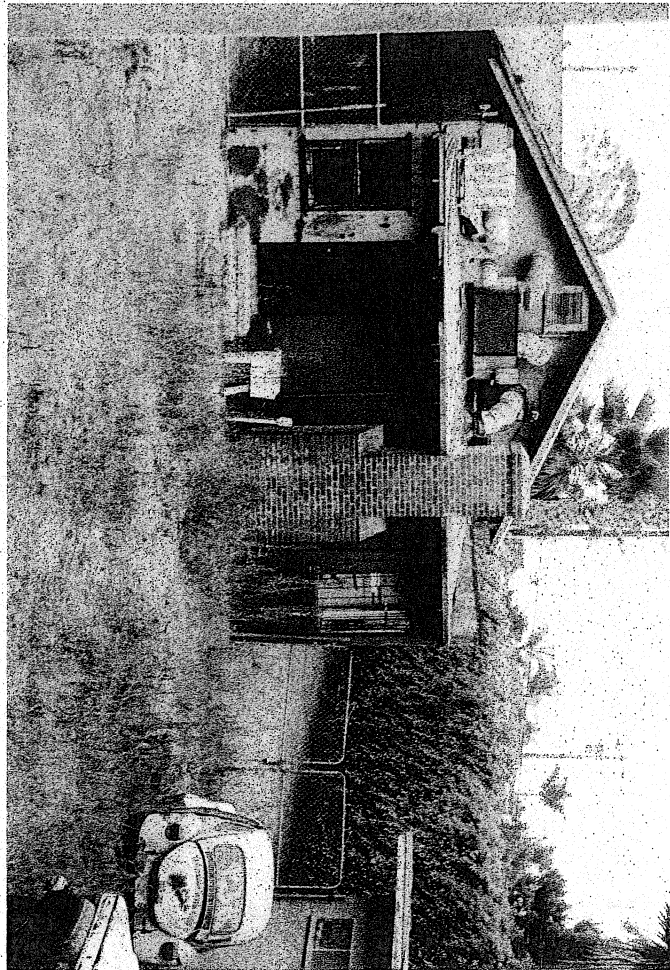


EXHIBIT "B"



445 and airport

